A.C.L.U. Reviews Support of Information Bill

By DAVID BURNHAM
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WASHINGTON — The American Civil Liberties Union is reviewing its support for legislation that would exempt most of the operational files of the Central Intelligence Agency from requests under the Freedom of Information Act.

Norman Dorsen, president of the civil liberties group, said the decision to study the bill further was reached after a lawyer representing the southern California affiliate of the organization detailed his opposition at an Aug. 18 meeting of the union's executive committee. The meeting followed a vote by the California affiliate several months ago to oppose the national group's position on the issue.

The intelligence agency and the liberties union have both testified in support of the House version of the bill, and this harmony has played a major role in the bill's progress through Congress.

The California affiliate's objections center on provisions in the bill that it contends would almost eliminate the right of Federal judges to review administrative decisions of the C.I.A.

A second criticism is the belief that if the proposal wins Congressional approval, a number of other intelligence and law-enforcement agencies would request the same kind of exemption from the information act, a law establishing the general principle that the public has the right to read almost all Government documents.

Ira Glasser, executive director of the national A.C.L.U., said he had asked lawyers in and outside his group who specialize in cases of freedom of information to assess these objections. "I'm trying to do a serious review of their claim," he said. "This is a process that is quite normal."

Mr. Glasser said the review would involve the three lawyers who act as the A.C.L.U.'s general counsel.

Mark Lynch, an expert for the civil liberties group on the freedom of information law, characterized the review as a preliminary inquiry. He said the group would reconsider its stance on the bill only if the criticism was found to be merited.

"It is unlikely there can be any criticism that has not been considered," he said.

The legislation exempting the intelligence agency from some provisions of the information act has been approved by the House Intelligence Committee and the House Government Operations Committee. It may come to the floor soon under a procedure that requires approval of two-thirds of the members to pass. The Senate already has passed its version of the bill.

Under current law, the intelligence agency is required to search all of its files when it gets a request under the Freedom of Information Act. The agency is then permitted to delete certain kinds of classified information. Under the House proposal, the agency would be excused from searching several specific files from which information is rarely, if ever, released.

Supporters of the legislation contend that by exempting the C.I.A. from making what are usually fruitless searches, long delays in answering other requests would be reduced. Critics, however, argue that if the legislation becomes law, the intelligence agency would avoid disclosure of more and more information by placing it in exempted files.

Mr. Glasser said that if the questions raised by Meir Westreich, an Orange County lawyer representing the organization's southern California affiliate, were found to be valid, he would withdraw the union's backing.

"If everyone convinces me that we were all wet in our first position, that's the end of it," he said in an interview.

Mr. Glasser said the general counsel, Frank Askin, a law professor at Rutgers University; Lawrence Herman, a law professor at Ohio State, and Harriet Pilpel, a lawyer in private practice in New York City, were trying to complete their review quickly.

The legislation has not attracted wide criticism. Among those who opposed it, however, were Jack Landau of the Reporters Committee for the Freedom of the Press and Samuel R. Gammon, a former ambassador who spoke for the American Historical Association.